

MANDATE

United States Court of Appeals

FOR THE
SECOND CIRCUIT

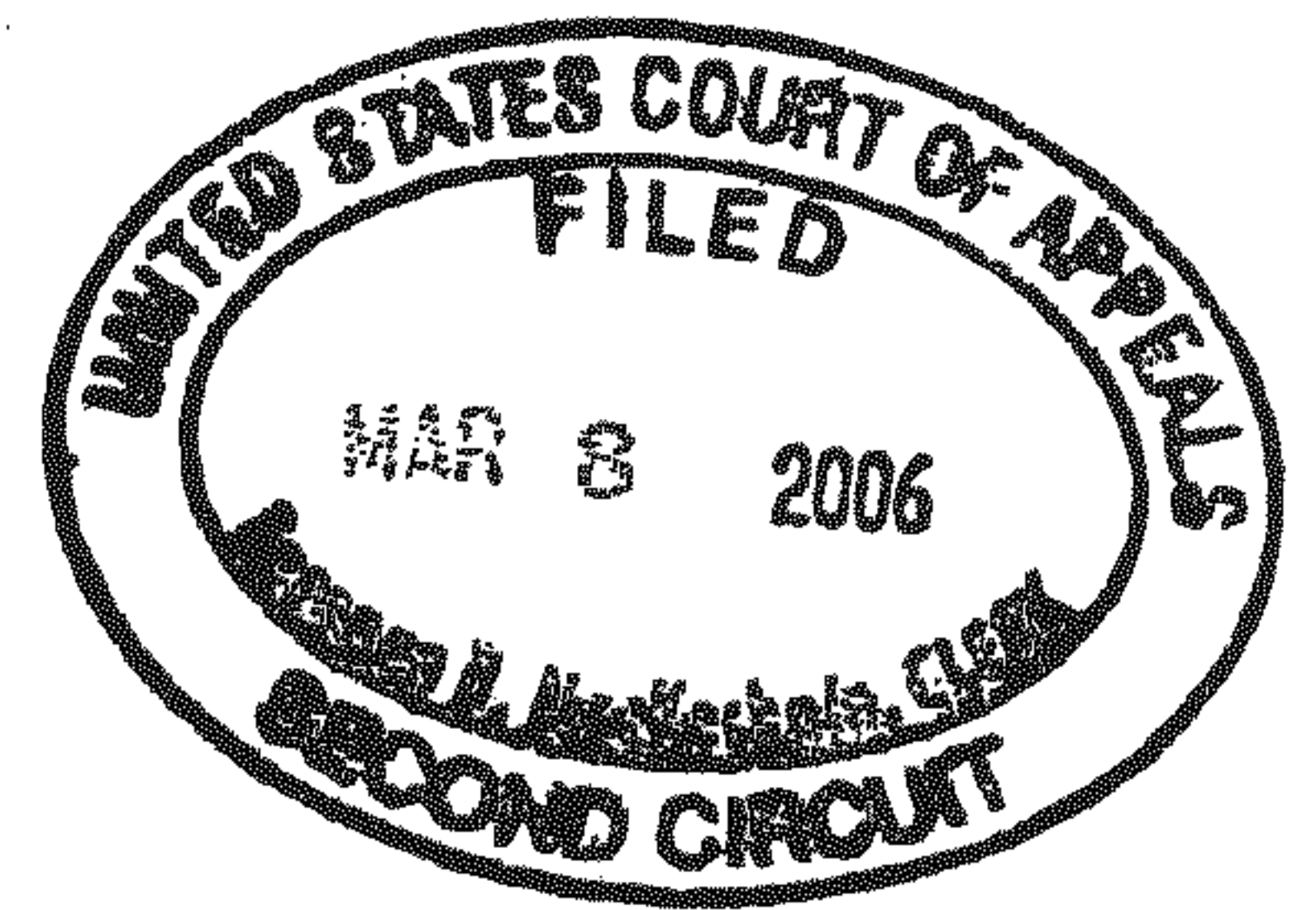
SDNY/NDNY
02-cv-335
McKenna

JUDGMENT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 8th day of March, two thousand and six.

Before: Hon. Amalya L. Kearse,
Hon. Guido Calabresi,
Hon. Rosemary S. Pooler
Circuit Judges,

Docket No. 04-3376-cv



PAUL HOLOWECKI, PATRICIA KENNEDY, DONNA M. LEWIS, CHARLES MONCALIERI, PHYLLIS NELSON, ANDY KUBICKI, ELIZABETH TUCKER, STEVEN ALMENDAREZ, FRANK J. MARTINEZ, KELLY L. MARTINEZ, KEVIN MCQUILLAN, KENNETH G. MUTCHLER, GEROGE ROBERTSON, NANCY THOMPICS, individually and on behalf of all others similarly situated,

Plaintiffs-Appellants,

v.

FEDERAL EXPRESS CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said District Court be and it hereby is REVERSED in part, VACATED in part, and REMANDED for further proceedings in accordance with the opinion of this Court.

FOR THE COURT:
ROSEANN B. MACKECHNIE, Clerk
by

Tracy W. Young
Tracy W. Young
Motions Staff Attorney

A TRUE COPY
Thomas W. Aspreen, Acting Clerk
by *[Signature]*
DEPUTY CLERK

Issued as Mandate:

11/22/2006